THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 25042 OF 2006

DATED: 05-07-2007

Between :

M/s. Vijayasri Granite Metals,
Rep., by Managing Partner,
Guntur.

… Petitioner

And

The Government of Andhra Pradesh,
Rep., by its Secretary,
Industries & Commerce,
Hyderabad and 4 others.

... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.25042 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the order passed by the 1st respondent dated 28.9.2006, thereby allowing the Revision Petition preferred by the 5th respondent herein as arbitrary and illegal.

It is to be noted that aggrieved by the interim order dated 20.1.2006 passed by the 1st respondent pending the Revision Petition, the petitioner herein earlier filed W.P.No.4262 of 2006. The said writ petition was disposed of by a common order along with W.P.No.4586 of 2006, dated 3.4.2006. This Court while setting aside the order of the 1st respondent dated 20.1.2006 disposed of the writ petition with the following direction:

> "As there is violation of Rules 17(1) and 31(iv) of the Rules, I am of the opinion that interim order passed by the Government is unjust and unsustainable. Accordingly, the impugned orders are set aside directing the Government to hear and dispose the revision itself and decide the locus standi of the petitioners in the revisions within two weeks from the date of receipt of a copy of this order as the revisions are pending against the order of the Director, Mines and Geology. As the petitioners have been impleaded before the Director, Mines and Geology, the revisional authority may go into the question of legality and validity of impleading the petitioners herein while passing orders o the merits against the orders of the Deputy Director canceling the leases."

Pursuant thereto, the impugned order came to be passed setting aside the order under revision.

While assailing the said order, the petitioner has primarily contended before this Court that the impugned order, which is on the face of it is cryptic and devoid of any reasons is arbitrary and illegal,

apart from being violative of the directions given by this Court in W.P.Nos.4262 and 4586 of 2006.

Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondents 1 to 4 and the learned counsel appearing for respondent No.5 and having perused the material on record, I find force in the above submission of the learned counsel for the petitioner.

As could be seen from the order passed by this Court in the earlier round of litigation, the 1st respondent is bound to record a finding as to the legality of the order under challenge after deciding the *locus standi* of the petitioner herein. Obviously, the 1st respondent did not comply with any of the directions given by this Court and allowed the Revision Petition merely on the ground that the petitioner therein has paid all dues.

The law is well-settled that absence of reasons is one of the grounds for judicial review under Article 226 of the Constitution of India, since failure of quasi judicial authority to assign reasons would result in violation of principles of natural justice. Apparently, the impugned order is devoid of any reasons and the same is liable to be set aside on that ground alone.

Accordingly, without expressing any opinion on merits, the impugned order is set aside and the writ petition is disposed of with a direction to the 1st respondent to pass appropriate orders afresh in terms of the common order of this Court in W.P.Nos.4586 and 4262 of 2006 dated 3.4.2006 following due process of law. Such an exercise shall be completed as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J.

Date 05-07-2007
KLP